UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/086,294	05/28/1998	PEGGY M. STUMER	98-P-7528-US	8062

7590 07/02/2003

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
2642	28

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/086,294	STUMER, PEGGY M.	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat 5,915,008 (Dulman) in view of US Pat 5,825,860 (Moharram) and further in view of US Pat 4,400,587 (Taylor et al.) and US Pat 5,101,451 (Ash et al.)

Regarding claims 1 – 5 and 9, Dulman teaches a system and method for provisioning and accessing AIN services such as call transfer, routing, or redirection. Dulman accomplishes such via either a mediating SCP 22 that mediates queries and responses and/or an access server 48 that receives service requests, as an intermediary server to the service-providing node or element, and decodes/translates any necessary data/info in or from the service request to decide which node or element will handle the service request. Dulman teaches a broader, general overview of the aspects of the claimed invention. The following secondary references are used as specific and concrete examples of features and apparatuses that while not specifically discussed in Dulman, are at least obvious for one of ordinary skill in the art at the time the invention was created, to have included in the invention of Dulman. (Abstract, Figs. 1, 2, and 5A – 5C, Col. 4, line 28 – Col. 5, line 14, Col. 6, line 60 – Col. 16, line 45.)

What Dulman does not teach is performing the above to decide on "a server other than the original server."

However, such a motivation for having an intervening server is very old and well known in the art, as for example, in load sharing/balancing/overflow systems such as that taught by Moharram. (Col. 4, line 48 – Col. 6, line 55)

This idea of introducing an intervening server into a system would have been an obvious consideration and an obvious feature to implement in the invention of Dulman inasmuch as an intervening server, i.e., access server 48, already embodies near identical functionality as that claimed in the present invention and because, as is old and very well known, and noted in Moharram in the Abstract and Col. 4, there is a need to provide a better method and system to control traffic loads and such considerations would be obvious with regard to Dulman. Furthermore, it is very common in the known technology to have many elements or nodes or service providers providing services that need to be monitored and mediated for type, load sharing, accessibility and availability, etc.

Also not taught by Dulman is "intercepting" a service request and determining whether or not execution of the service request should follow/use the default instruction/server or resource.

However, "intercepting" or "diverting" calls are very old and well known in the art. For example, it is well known in the art for a local service provider to have a pre-determined or default long-distance service provider but when a subscriber has a different long-distance provider specified, that local provider will connect that subscriber's call using his/her pre-determined long distance provider. Another example is taught by Taylor et al. wherein a service request call is supposed to be routed to a

default or "original" resource or gate. However, if there is no agent available at that gate, the system of Taylor will "intercept" or "divert" or "redirect" that call to another gate. Col. 3, line 16 – Col. 4, line 29. Furthermore, Dulman even teaches with respect to SCP 22, that the SCP "intercepts"/suspends a call, as is well known in AIN systems to determined whether or not conditions relating to the present call conform to default criteria for processing the call or not, and requires processing of another SCP, such as SCP 28. Col. 9, lines 25 – 37. Hence it would be obvious to modify the invention of Dulman either following the example set by the aforementioned prior art or by the invention of Taylor et al. or even by the method discussed above regarding SCPs which Dulman already teaches.

Also not taught by Dulman et al. is performing "link optimization based on a type of supplementary service..." However, Moharram teaches load sharing which, in effect is a type of link optimization, i.e., if an SCP is overloaded based on the requested service, the call is routed/an SCP other than the original one to be accessed is used, because it will be competed as opposed to not, or the service requested will be performed more quickly.

Also, link optimization is very old and well known as taught by Ash et al. wherein link optimization is taught. Col. 17, lines 56 – 61 and Col. 23, lines 5 – 12. To include link optimization in the above combination of references would be obvious for one of ordinary skill in the art to do inasmuch as saving resources and money are common and highly desirable motivations for implementing some sort of link optimization scheme.

Furthermore, integrating link optimization into a system is not disruptive in the sense that the system can operate as before, but will simply be required to perform link optimization after the service has already been requested and the decision as to which server will provide the service has been made.

As to claim 6, both Dulman via the use of schedules, Col. 18, lines 11 – 16, allow various services to be activated/deactivated, and Moharram, Col. 6, lines 42 – 49 teaches disabling the system if congestion, for example, falls below a predetermined threshold.

As to claim 7, such is inherent or at the very least obvious for one skilled in the art to implement as most system will recall or behave accordingly when a service fails in that usually, it is not desirable for system resources to be tied up indefinitely which would be the case, if a failed service request were to be tried and re-tried over and over again – hence the need for some sort of recall.

As to claims 8 and 10 – 12, see above-mentioned sections of Dulman and Moharram wherein both references teach the use of optimization parameters as well as predetermined conditions whether it be via direct customer input or via schedules or other predetermined means, wherein services may be enabled/disable and resources/elements/nodes are accessed or not accessed.

2. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. in view of Brivet et al. and further in view of Moharram and Dulman.

With respect to claims 1 – 6 and 8 – 12, applicant's claims are so broad as to read on just about any type of switches, nodes, or servers. For example, Taylor et al. teach one or more servers (i.e., ACDs A, B, C of Fig. 1), a monitoring system responsive to a control program to determine which server will execute a service. Note that Taylor et al. teach that if there is an overflow another server (ACD) will be chosen to complete the service of getting the call to the appropriate agent. Note that the call from the server (ACD) is a redirection of the call and that call forwarding and call transfer is a redirection service. Also note that Taylor et al. teaches the case wherein a service request call is supposed to be routed to a default or "original" resource or gate. However, if there is no agent available at that gate, the system of Taylor will "intercept" or "divert" that call to another gate. Again, Taylor teaches a broader, general overview of the aspects of the claimed invention. The following secondary references are used as specific and concrete examples of features and apparatuses that while not specifically discussed in Taylor, are at least obvious for one of ordinary skill in the art at the time the invention was created, to have included in the invention of Taylor. Col. 3, line 16 – Col. 4, line 29.

Therefore, Taylor et al. do not teach the supplementary service request aspect of the instant invention.

However, Brivet et al. teach such (see Abstract). It would have been obvious to one of ordinary skill in the art to have incorporated the supplementary communications service request aspect as taught by Brivet et al. into the Taylor et la. device as such would only entail the substitution of one well known type of node for another.

Further note, with respect to claim 5, that Taylor et al. teach a predetermined condition (see Fig. 6, step called launch and Col. 4, lines 38 +) and that if the time limit is exceeded the system is disabled (Fig. 6). With respect to claim 7, note Fig. 6, the periodic entry aspect to Taylor et al. With respect o claim 8, note that any of the tables in Fig. 7 can be customized and the predetermined time (Launched) can be customized.

What the above combination does not teach is the use of an intervening server.

However, the use of an intervening server is very old and well known in the art and would have been an obvious aspect to add to the combination of Taylor et al. and Brivet et al. in that it would have been simply a matter of preference for one skilled in the art as to whether or not an intervening server would be needed in a system. Also, the use of an intervening server, as already discussed above with regard to Dulman and/or Moharram and for the same reasons, also already discussed, it would have been obvious for one skilled in the art to have implemented one, as taught by either Dulman or Moharram.

Also not taught by Brivet et al. is performing "link optimization based on a type of supplementary service..." However, Moharram teaches load sharing which, in effect is a type of link optimization, i.e., if an SCP is overloaded based on the requested service, the call is routed/an SCP other than the original one to be accessed is used, because it will be competed as opposed to not, or the service requested will be performed more quickly.

Also, link optimization is very old and well known as taught by Ash et al. wherein link optimization is taught. Col. 17, lines 56 – 61 and Col. 23, lines 5 – 12. To include

link optimization in the above combination of references would be obvious for one of ordinary skill in the art to do inasmuch as saving resources and money are common and highly desirable motivations for implementing some sort of link optimization scheme.

Furthermore, integrating link optimization into a system is not disruptive in the sense that the system can operate as before, but will simply be required to perform link optimization after the service has already been requested and the decision as to which server will provide the service has been made.

Response to Arguments

3. Applicant's arguments with respect to claims 1 - 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat 5,444,773 (Hirsohn et al.) teach a method for releasing unnecessary trunks from a telephone line, i.e., link optimization.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
June 29, 2003

AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600